

[NOTES: (1) any section listed by number only, e.g. 6.04.100, or with only a citation after is, e.g. 6.04.180 License-Refunds. (Ord. 88-199§15, 1988), is unchanged from the current Municipal Code; (2) comments in italics following a section explain the changes in that section from the current Municipal Code.]

ORDINANCE 2006 - \_\_\_\_

AN ORDINANCE OF THE CITY OF TRINIDAD REVISING CHAPTER 6 OF THE TRINIDAD MUNICIPAL CODE DEALING WITH ANIMALS AND AMENDING CHAPTER 12, SECTION 12.12.040(B) RELATING TO DOGS ON TRINIDAD HEAD.

(PROPOSED CHAPTER 6 - ANIMALS - 03/08/06)

Title 6  
ANIMALS

Chapters:

- 6.04 Dogs - General
- 6.05 Nuisance animals
- 6.08 Dog Prohibitions

Chapter 6.04

DOGS-GENERAL

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- 6.04.020 Definitions.
- 6.04.030 Vicious dog - Investigation.
- 6.04.035 Dangerous dog - Investigation.
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6.04.010 Short Title. This chapter shall be referred to as "dog regulations."

6.04.020 Definitions. Whenever in this chapter the following terms are used they shall be deemed and construed to have the meaning ascribed to them in this section unless it is apparent from the context thereof that a different meaning is intended:

**"Animal Control Officer"** means the person charged by this chapter with the administration and enforcement of the provisions hereof and whose employment is provided for herein or otherwise by the city together with other authorized employees as may be designated by the City Council or Chief of Police. *[Allows "other employees" to be authorized; allows Police Chief to authorize employee]*

**"At large"** (also **"off leash"**) means any dog off the premises of the owner and not under the control of the owner or some responsible person either by leash, cord, chain, or other physical restraint. *[Clarifies "at large."]*

**"Care and command"**: a dog must be under the care and command of the person responsible for it, whether the dog is leashed, or off leash at a designated beach. "Care and command" means that the dog will respond to verbal calls, whistles, or other signals by modifying its behavior, and/or returning to the responsible person if called. *[Definition required if dogs are allowed off leash on beaches.]*

**“Enclosure”** means a fence or structure suitable to prevent the entry of young children and which is suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper. The enclosure shall be securely locked and have secure sides, top, and bottom sufficient to prevent the animal from escaping. *[Added from County ordinance.]*

**"Impounded"** means have been received into the custody of any poundmaster or County Animal Shelter officer. *[Adds “County Animal Shelter” to definition.]*

**"Leash"** means a physical connection between a dog and the person in control of the dog; must be a physical connection such as a cord, chain, or other physical restraint. *[Clarifies definition of “leash.”]*

**“Local Health Officer”** means the County Health Officer.

**"Owner"** means any person keeping or harboring or having custody or control over any dog within the meaning of this chapter, except any veterinarian duly licensed and practicing as such, and having in his possession or control any dog for the purpose of treatment. *[Deletes “15 consecutive days” requirement.]*

**" Potentially Dangerous dog"** means any dog whose behavior without provocation requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog, indicating a disposition or propensity to attack or bite a person or animal. "Dangerous dog" does not mean any dog in a situation in which it is shown that the person or domestic animal which was attacked, threatened, or menaced had:

- a. Provoked, tormented, teased, or abused the dog into the behavior alleged; or
- b. Committed a wilful trespass or other tort or crime upon the private property of the owner or person in control of the dog; or
- c. Threatened or committed an unprovoked assault or battery against the owner or person in control of the dog. *[Distinguishes a threatening dog from one that actually bites; allows better law enforcement by clarifying circumstances in which a dog can be threatening but the owner not cited due to mitigating circumstances listed in the definition.]*

**"Primary immunization"** ...(unchanged)

**"Revaccination"** ...(unchanged)

**“Severe injury”** means any physical injury to a human being that results in muscle tears, broken bones, or disfiguring lacerations that requires multiple sutures or corrective cosmetic surgery. *[Added from County ordinance.]*

**"Unlicensed dog"**...(unchanged)

**"Vicious dog"** means:

- a. Any dog which has, without provocation due to the circumstances listed in the definition of "Dangerous dog," bitten a person or animal off the property of the owner or keeper of the dog, or
- b. Any dog previously determined to be a potentially dangerous dog which, after its owner or keeper has been notified of this determination continues the behavior described in this section or is maintained in violation of this Chapter. [*Deletes "or which has a disposition or propensity to attack or bite any person or animal." Clarified by "dangerous dog" sections.*]

6.04.030 Dangerous dog - Investigation. The animal control officer/police officer shall investigate the conditions and behavior of any dog which he has reason to believe is dangerous and, if he finds such dog to be dangerous in its habits, he shall report his findings in writing to the owner of such dog, if the name and whereabouts of such owner are known. ~~The City Council shall establish an appeal process led by an appeal hearing officer from another agency if the owner of the dog contests the designation of the dog as "dangerous." The decision of the appeal hearing officer shall be final.~~ [*Allows dog's behavior to be assessed; if "dangerous" allows an appeal hearing.*]

6.04.035 Vicious dog - Investigation. The animal control officer/police officer shall investigate the report of any dog bite to a person ~~or animal~~. Any dog that bites a person ~~or animal~~ and that the animal control officer or other authorized agents deems to be vicious, shall be taken to the County Animal Shelter for observation under quarantine and a hearing held pursuant to provisions in this Chapter. [*Involves only bites (or reports of bites); if bite or vicious will use Co. Shelter for observation. County only investigates bites to humans, not other animals.*]

6.04.040 Vicious dog - Bites. Any dog which bites a person ~~or animal~~ without provocation shall be taken to the County Animal Shelter for observation and possible destruction, according to laws and procedures governing the operation of the Animal Shelter, including provisions in the contract between the City and County for Animal Shelter services and subject to the appeal process established in this Chapter. [*Current ordinance requires "summary destruction" of vicious dog.*]

6.04.045 Public Nuisance Dogs Defined. "Public nuisance dog" shall mean any dog which gives offense to human senses or substantially interferes with the rights of persons, other than its owner or keeper, to the enjoyment of life or property. The term shall include, but not be limited to, any dog which:

- (a) on three separate occasions within a thirty-six month period has been cited, or impounded for being off its owner's or keeper's property in violation of any state or local law prohibiting the running at large of dogs.
- (b) Causes damage to the property of anyone other than its owner or keeper.
- (c) Harasses or intimidates persons on public property or private property other than that owned or under the control of its owner or keeper.

- (d) Repeatedly chases vehicles that are not on its owners property.
- (e) Makes disturbing noises such as barking, howling, whining, or other utterance to the annoyance, disturbance, or discomfort of neighbors or others in the vicinity of the property where the dog is maintained.
- (f) Has been allowed by its owner or keeper to produce odors which annoy, disturb, or cause discomfort to persons in the vicinity of the property where the dog is maintained.
- (g) Is one of a number of dogs or other animals maintained on the property owned or controlled by its owner or keeper so as to be offensive to persons or dangerous to the public health.
- (h) Has, when unprovoked, bitten any person who is lawfully on the owner's or keeper's property causing minor injury. [6.04.045 Added from County Ordinance.]

6.04.050 Confinement of dogs to owner's premises.

- A. No person shall cause, permit or allow any dog or dogs owned, harbored, controlled or kept by him to be at large away from the premises where the same is or are owned, harbored or kept at any time except in the custody and leashed control of the owner or some responsible person duly authorized by the owner. Any such dog found running at large in violation of this provision may be taken to the County Animal Shelter and released only after payment of fees established by the City of Trinidad and/or Humboldt County.
- B. This section shall not apply to any official city police dog while on patrol. [Same as 1988 ordinance, but substitutes Co. Shelter and City for Humane Society fees.]

6.04.060 Confinement of dogs in heat. (Ord. 88-100 §4.1, 1988)

6.04.070 Vaccination of pups. (Ord. 88-100 §4.2, 1988)

6.04.080 Dogs on school grounds. No owner or other person in charge of or in control of any dog shall permit such dog to be at large upon or near public school grounds. Dogs under the leashed control of the owner or other person in control may be allowed on school grounds when school is not in session, or when school is in session with the permission of the Principal/Superintendent or when exempted by law. [Allows leashed dogs on school grounds after hours, when school grounds are a City park.]

6.04.085 Dogs In Specified Areas: [Note: two alternative wording proposed.]

- A. Leashed dogs are allowed on the grounds of the Trinidad Municipal Cemetery. No unleashed dog is allowed on the cemetery grounds. [Allows paying respects with leashed dog.]
- B. It is unlawful for any person to cause or allow any dog or dogs, whether leashed or unleashed, to be present in the 12.5 acre City property south of the Memorial Lighthouse

except for leashed dogs accompanying a person on designated trails or on the adjoining beach. [*Protects Native American resources from wandering, digging dogs.*]  
Persons violating this provision are guilty of an infraction.

C. No unleashed dogs are allowed on Trinidad Head. Leashed dogs are allowed on Trinidad Head only on roads and designated trails. [Amends 12.12.040(B) of the Municipal Code.(Ord. 90-204 §2(P), 1990; Ord. 176 §7, 1983)] [*Current ordinances prohibit dogs on the Head.*]

D. On City beaches designated by Council Resolution, dogs are allowed off leash but must be under the “care and command” of the person responsible for the dog(s). A person who allows a dog at a beach to be unleashed and not under his care and command is guilty of an infraction and may be cited and fined as per this ordinance and City Council Resolution. [OR]  
D. Dogs are not allowed off leash at any beach within Trinidad City limits. [*Two options for dogs on beaches.*]

[OR] The Council, by Resolution, shall specify areas where dogs are not allowed and where dogs are allowed to be off leash.

6.04.090 Transportation of dogs within city. (Ord. 85-184 §§1-3, 1986)

6.04.100 Right of entry. (Ord. 88-199 §5, 1988)

6.04.110 Interference with enforcement. (Ord. 88-199 §6, 1988)

6.04.120 Animal control officer. (Ord. 88-199 §6, 1988)

6.04.130 License-Vaccination. (Ord. 88-199 §10, 1988)

6.04.140 License - Required. (Ord. 88-199 §11, 1988)

6.04.150 License-Tax-Payment. The owner of every dog within the incorporated area of the city shall pay annually to the city clerk on or before the first day of July, a license tax thereon and shall be required to pay for such license at said time such fees as established by Council Resolution. A grace period of thirty days shall be allowed in the payment of this license tax. [*Current ordinance sets a dollar limit, making fee changes difficult; proposal allows Council to adjust fees by Resolution.*]

6.04.160 License - Failure to pay tax - Penalties. (Ord. 88-199 §13, 1988)

6.04.170 License - Duty to collect. (Ord. 88-199 §14, 1988)

6.04.180 License - Refunds. (Ord. 88-199 §15, 1988)

6.04.190 License - Issuance. (Ord. 88-199 §16, 1988)

6.04.200 License - Contents. (Ord. 88-199 §17, 1988)

6.04.210 License - Expiration. (Ord. 88-199 §18, 1988)

6.04.220 License - Records.(Ord. 88-199 §25, 1988)

6.04.230 License - Seeing eye dog. (Ord. 88-199 §26, 1988)

6.04.240 Tag -Contents. (Ord. 88-199 §19, 1988)

6.04.250 Tag - Duplicates. (Ord. 88-199 §20, 1988)

6.04.260 Tag - Display. It is unlawful for an owner of any dog over four months of age to fail or neglect to keep fastened to such dog the tag provided for in this chapter. [*Current ordinance allows tags off dog when indoors or in the yard; if dog escapes would be difficult to return to owner.*]

6.04.270 Tag - To be attached only to licensed dog. (Ord. 88-199 §22, 1988)

6.04.280 Tag - Removal. (Ord. 88-199 §23, 1988)

6.04.290 Tag - Counterfeits. (Ord. 88-199 §24, 1988)

6.04.300 Exceptions.

A. Sections 6.04.030 through 6.04.120 inclusive shall apply to all dogs in the city, whether owned by residents or non-residents, even if temporarily in the city.

B. Sections 6.04.130 through 6.04.290 inclusive shall not apply to dogs whose owners are non-residents, temporarily in the city, nor to dogs brought into the city for the purpose of participating in any dog shows. [*Current ordinance exempts non-residents from leash laws and all other requirements; proposal exempts such dogs from licensing requirements only.*]

6.04.310 Impoundment - Authorization. The animal control officer, or other agents authorized by the City Council, shall receive, take up and may impound at the Humboldt County Animal Shelter, any and all dogs found running at large contrary to the provisions of Sections 6.04.010 through 6.04.300 this Chapter or in violation of any law of the county or state. Before impounding the animal, the animal control officer/police officer shall attempt to return the animal to its owner. If the same dog has previously been found at-large and returned to the owner three times in the past twelve months, the animal may be taken directly to the County Shelter. [*Substitutes Co. Shelter for Humane Society; states intent to return animal to owner first.*]

6.04.320 Impoundment - Licensed dog - Notice to owner. (Ord. 88-199 §31, 1988)

6.04.330 Impoundment - Unlicensed dog - Notice to owner. (Ord. 88-199 §32, 1988)

6.04.340 Impoundment - Right to redeem. Any impounded dog, licensed, or unlicensed, may be redeemed by the owner thereof by first contacting the City of Trinidad City Clerk or Police

Department and then the Humboldt County Animal Shelter and complying with all said agencies' requirements for redemption of dogs. [*Substitutes "Co. Shelter" for "Humane Society"*]

6.040.350 Impoundment - Disposition. All dogs impounded in accordance with the provisions of this chapter shall be disposed of in accordance with the rules and regulations of the Humboldt County Animal Shelter, as governed by the laws of the County of Humboldt and the State. [*Substitutes "Co. Shelter" for "Humane Society"*]

6.040.360 Impoundment/Release Fees - Owner. The City Council shall set administrative procedures and processing fees to be paid to the City by a Trinidad dog owner before any impounded dog belonging to the owner is released by the County. [*Establishes City's right to collect fees from owners whose animal is taken to the Co. Shelter.*]

6.04.370 Impoundment Fees - County. The City may recoup fees charged to it by the County by charging the owners of dogs impounded at the Humboldt County Animal Shelter those charges associated with the owner's respective dog(s). The City may recoup only actual costs charged by the County.

6.04.375 Impoundment/Release Policy. The owner of any dog from the City of Trinidad impounded at the County Animal Shelter shall comply with established animal release policies approved by the City Council. No owner shall go directly to the County Animal Shelter to have such animal released. [*Current ordinance exempts owners from having to pay the City if they pay the Co. directly; proposal allows City to collect fees prior to dog's release from Co. Shelter.*]

6.04.380 Impoundment - Fee - Increase. The City Council may, by Resolution, increase the fees charged those city dog owners whose dog(s) are impounded at the Humboldt County Animal Shelter, so that such charge equals the charge to the city by the County for the impoundment of the respective dog(s), should the County increase the charge to the City for the impoundment of the dog(s). [*Allows City to adjust fees by Resolution to equal Co. charges and should the Co. increase their fees to the City.*]

6.04.390 Vaccination - Purpose. (Ord. 88-199 §61, 1988)

6.04.400 Vaccination - Required. (Ord. 88-199 §51, 1988)

6.04.410 Vaccination - Minimum age. (Ord. 88-199 §52, 1988)

6.04.420 Revaccination intervals. (Ord. 88-199 §53, 1988)

6.04.430 Vaccination - Authority of county officers. (Ord. 88-199 §54, 1988)

6.04.440 Vaccination - Certificate - Forms and contents. After vaccination of any dog, such veterinarian shall sign a certificate containing the following information:

- A. The name and address of the owner or harbinger of the vaccinated dog.
- B. The name, age, breed, color, sex and use of the vaccinated dog.



Such veterinarian shall immediately present the original certificate and one or more copies to the owner or harbinger of the dog. A copy shall also be retained by the veterinarian. All such certificates shall be on a form approved by the clerk of the county. [*Current ordinance requires a form "in triplicate," something many vets do not use; proposal simply specifies information on the certificate.*]

6.04.450 Vaccination - Duplicates - Certificates. A copy of the vaccination certificate shall be mailed or delivered to the city clerk who shall retain and file this copy of the certificate. [*Current ordinance requires vet to send certificate to City Clerk, something vets do not do; proposal simply requires someone (owner) to get the form to the City Clerk.*]

6.04.460 Vaccination - Certificate - Evidence. (Ord. 88-199 §57, 1988)

6.04.470 Vaccination - Certificate - Misrepresentation. (Ord. 88-199 §58, 1988)

6.04.480 Vaccination - False certificate prohibited. (Ord. 88-199 §59, 1988)

6.04.490 Vaccination - Certificate exhibit. (Ord. 88-199 §60, 1988)

6.04.500 Duty to care for animals.

A. No person owning or having custody or control of any dog shall knowingly or through failure to exercise due care or control permit such dog to defecate in any public beach, trail, school ground or other public place, including the sidewalk or parkway of any street, or upon any private property without the consent of the owner or lawful occupant thereof. A person shall not be considered in violation of this subsection if the person has necessary equipment, e.g., shovel, bag, etc., readily available and does immediately take necessary action to accomplish removal of fecal matter left by the dog. This section shall not apply to guide dogs for blind or disabled persons.

B. Any person violating any of the provisions of this section shall be guilty of an infraction and subject to citation and penalties established by City Council Resolution.

C. The Animal Control Officer shall cause signs to be posted notifying persons owning or in control of animals of their obligation to comply with the provisions of this section and the penalties for violation hereof. [*Establishes "poop clean-up" policies and procedures along with enforcement guidelines; requires signs to be posted about clean-up requirements.*]

6.04.510 Hearing and Appeal Process.

(a) For leash law violations involving dogs at large there is no appeal process.

(b) Hearing Entity/Officer defined. For the purpose of this Chapter, the hearing entity or officer shall be the Chief of Police or another official authorized by the City Council. The Hearing Officer may be an official from another jurisdiction.

(c) Procedure for declaring a dog potentially dangerous, vicious, or a nuisance.

If an Animal Control Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous,

vicious, or a nuisance, the Animal Control Officer or his designee, shall petition the City Council for a hearing for the purpose of determining whether or not the dog in question should be declared potentially dangerous, vicious, or a nuisance. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. The Police Chief shall notify the owner or keeper of the dog that a hearing will be held by the hearing entity at which time he or she may present evidence as to why the dog should not be declared potentially dangerous, vicious, or a nuisance. Said evidence may be offered either written or oral by the owner of the dog or any interested citizen, including animal control officers, humane officers, or peace officers, and shall be sworn to and/or signed under declaration of penalty of perjury.

(d) Notice of hearing, determination

The owner or keeper of the dog shall be served with notice of the hearing and a copy of the petition, either personally or by first-class mail with return receipt requested. The hearing shall be held promptly within no less than five working days nor more than ten working days after service of notice upon the owner or keeper of the dog. The hearing shall be open to the public. The hearing entity may admit into evidence all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The hearing entity may find, upon a preponderance of the evidence, that the dog is potentially dangerous, vicious, or a nuisance, and make other orders authorized by this Chapter.

(e) Notice of determination

After the hearing conducted pursuant to section 6.04.550 (c), the owner or keeper of the dog shall be notified in writing of the determination and orders issued, either personally or by first-class mail postage prepaid by the hearing entity. If a determination is made that the dog is potentially dangerous, vicious, or a nuisance, the owner or keeper shall comply with the provisions of this Chapter in accordance with a time schedule established by the Police Chief, but in no case more than thirty calendar days after the date of the determination or thirty-five calendar days if notice of the determination is mailed to the owner or keeper of the dog.

(f) Appeal

If the petitioner or the owner or keeper of the dog contests the determination of the hearing entity, he may, within five working days of the receipt of the notice of determination, appeal the decision of the hearing entity to the Humboldt County Superior Court pursuant to Food and Agricultural Code §31622. The party seeking the appeal shall serve personally or by first-class mail, postage prepaid, notice of the appeal upon the other party within two working days of the notice of appeal.

(g) Effect of failure to appear at hearing

The hearing entity of original jurisdiction or the court hearing the appeal may decide all issues for or against the owner or keeper of the dog even if the owner or keeper fails to appear at the hearing.

(h) Finality of appeal

The determination of the court hearing the appeal shall be final and conclusive on all parties. [6.04.510 - .090 Added 2/15/06 as per Chief Thrailkill. Based on County Ordinances]

6.04.520 Seizure and Immediate Impoundment - Threat to Safety.

If upon investigation the Animal Control Officer or law enforcement officer determines that probable cause exists to believe the dog in question poses an immediate threat to public safety the officer may seize and impound the dog pending the hearing or determination provided for in section 6.04.510. The owner or keeper of the dog shall be liable to the City and County for the costs and expenses of processing and keeping the dog if the dog is later determined to be potentially dangerous or vicious. If public safety is adequately assured, the Police Chief may permit the dog to be confined at the owner's expense in an approved kennel or veterinary facility or on the owner's premises.

6.04.530 When Dogs May Not Be Declared Potentially Dangerous, Vicious, or a Public Nuisance.

No dog may be declared potentially dangerous, vicious, or a nuisance if any injury or damage is sustained by a person who, at the time of the injury or damage was sustained was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime. No dog may be declared potentially dangerous, vicious, or a nuisance if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault. No dog may be declared potentially dangerous, vicious, or a nuisance if an injury or damage was sustained by a domestic animal which at the time of the injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog.

6.04.540 Disposition of Potentially Dangerous or Vicious Dog(s)

(a) All dogs which have been determined by the hearing entity to be potentially dangerous dogs or vicious dogs shall be properly licensed and vaccinated. The status of the dog shall be included in the licensing records either after the owner or keeper has agreed to the designation or the hearing entity has determined that the designation applies to the dog. An additional fee of twice the applicable license fee shall be charged for maintaining this additional information in the records.

(b) A potentially dangerous or vicious dog while on the owner's property shall, at all times, be kept indoors, or in an enclosure as defined in section 6.04.020. A potentially dangerous dog may be off the owner's property only if it is restrained by a substantial leash or

within an enclosed bvehicle. A vicious dog may be off the owner's property if the owner complies with section 6.04.550.

(c) The owner of a potentially dangerous or vicious dog shall notify the Police Chief, in writing, withing two working days if the dog in question dies, is sold, transferred, or permanently removed from the City.

(d) Owners of potentially dangerous or vicious dogs shall notify in writing any person to whom the dog is sold that the dog is potentially dangerous or vicious.

6.06.550 Disposition of Vicious Dogs. In addition to the dispositions in section 6.04.540, upon a determination by the hearing entity that a dog is a vicious dog, the following shall apply:

(a) A dog which has been determined to be vicious pursuant to the provisions in this Chapter shall not be licensed unless the owner or keeper of the vicious dog is 18 years of age or older and meets the following requirements:

(b) Provide proof to the Police Chief that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand (\$100,000) covering any damage or injury which may be caused by the vicious dog during the 12-month period for which the licensing is sought.

(c) The owner or keeper, at his own expense, and within two working dayd of receipt of notice of determination that the dog is vicious shall provide the Police Chief with two current color photographs of the dog which show the animal in a standing position.

(d) The owner or keeper shall display a sign that visually depicts a menacing dog on the property where the dog is kept warning that there is a vicious dog on the property. The sign shall be visible to the general public and approved by the Police Chief.

(e) The owner or keeper of a vicious dog shall certify under penalty of perjury to all of the following:

(i) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the period for which licensing is sought, unless the owner or keeper shall cease to own or keep the dog prior to the expiration of that license.

(ii) The owner or keeper shall, on or before the effective date of the license for which application is being made, have an approved enclosure for the dog on all property where the vicious dog wil be kept or maintained.

(iii) The owner or keeper shall notify the Police Chief immediately upon discovery that the vicious dog is running at large, is unconfined, has attacked another domestic animal or has attacked a human being, has died, has been sold, or transferred, or has been permanently removed from the City. Immediately upon discovery shall mean as soon as practicable taking into consideration the circumstances, but in no event later than twenty-four hours after the occurance or the next working day in which the Police Department is open.

(iv) If the vicious dog is sold, the owner or keeper shall provide the Police Chief with the name, address, and telephone number of the new owner or keeper. It shall be unlawful to sell or give away a dog previously determined to be vicious unless the owner or keeper of the dog advises in writing the new owner or keeper of the status of the dog.

(f) All dogs determined to be vicious shall be confined in an enclosure as defined in section 6.04.020. It is unlawful for any owner or keeper to maintain a vicious dog upon any property which does not have an enclosure as described in section 6.06.020.

(g) It is unlawful for any owner or keeper to allow any vicious dog to be outside of the enclosure unless it is inside the dwelling of the owner or keeper or it is necessary for the owner or keeper to obtain veterinary care for the dog, to sell or give away the dog, or to comply with any directive of the Police Chief with respect to the dog.

(h) In any case where a vicious dog is lawfully outside the enclosure, except in cases where it is inside the dwelling of the owner or keeper, the dog shall be securely muzzled and restrained, with a leash sufficient to restrain the dog, having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and the dog shall be under the direct control and supervision of its owner(s) or keeper(s).

(i) The hearing entity may impose additional conditions upon the ownership of the dog to protect the public health, safety, and welfare.

#### 6.04.560 Procedure for Destruction of Vicious Dogs

(a) A dog determined to be vicious may be taken to the County Animal Shelter for destruction when it is found, after proceedings conducted pursuant to this Chapter, that the release of the dog would create a significant threat to public health, safety, and welfare, or;

(b) An owner of a dog which has previously been determined to be a vicious dog violates the provisions of this code relating to the keeping of vicious dogs, or;

(c) A dog which has previously been determined to be a vicious dog, when unprovoked, attacks, bites, wounds, or otherwise injures or kills any person.

(d) A dog shall not be destroyed pursuant to sections (b) or (c) above without a hearing pursuant to proceedings described in this Chapter.

#### 6.04.570 Ownership of Vicious Dogs Prohibited

The owner of a dog determined to be a vicious dog may be prohibited by the Police Chief from owning, possessing, controlling, or having custody of any dog for a period of up to three years, when it is found, after proceedings conducted under this Chapter, that ownership or possession of a dog by that person would create a significant threat to public health, safety, or welfare.

#### 6.04.580 Disposition of Public Nuisance Dogs

(a) No person shall keep or maintain any dog in such a manner as to cause or permit the dog to be a public nuisance dog.

(b) No owner or keeper of a dog shall fail to abate a nuisance created by the keeping of such a dog when ordered to do so by the Police Chief or other authorized official.

(c) The hearing entity may impose any reasonable conditions upon the ownership of the dog which shall correct the circumstances which created the nuisance.

(d) Any dog having been declared to be a public nuisance dog pursuant to the provisions of this Chapter shall be taken by the Animal Control or other authorized official to the County Shelter for impoundment until such time as the owner or keeper shall have satisfied the Police Chief that they have taken steps to abate the nuisance created by the keeping of the dog. Failure to take such steps to the satisfaction of the Police Chief within five working days following impoundment of the dog and notice of the conditions for release imposed by the Police Chief or his designee, shall result in forfeiture of ownership of said dog.

(e) No dog may be euthanized or otherwise disposed of if the owner or keeper of the dog has sought judicial review of the determination that the dog was a public nuisance dog until that review has been completed. The owner or keeper of the dog shall be liable for the cost of the care and feeding of the dog pending the outcome of the judicial review and shall deposit with the Trinidad City Clerk monthly in advance the cost of such care and feeding as determined by Police Chief using City and County fee schedules. Failure to make such a deposit shall result in forfeiture of ownership of said dog after giving the owner or keeper of the dog five days written notice of their failing to make the required deposit in advance. In the event the judicial review is favorable to the owner or keeper of the dog, the amounts paid for the care and feeding of the dog pending the judicial review shall be refunded.

#### 6.04.590 Removal From List

If there are no additional instances of the behavior described in 6.04.045 within a 36-month period from the date of designation as a potentially dangerous or public nuisance dog, the dog shall be removed from the list of potentially dangerous or public nuisance dogs. The dog may, but is not required to be, removed from the list of potentially dangerous or public nuisance dogs prior to the expiration of the 36-month period if the owner or keeper of the dog demonstrates to the Police Chief that changes in circumstances or measures taken by the owner or keeper, such as training of the dog, have mitigated the risk to the public safety. *[6.04.510 - .090 Added 2/15/06 as per Chief Thrailkill. Based on County Ordinances]*

#### 6.04.600 Violation - Penalty.

(a) Any violation of this code relating to a dog that inflicts severe injury or relating to any vicious dog shall be a misdemeanor.

(b) Any violation of this code relating to dangerous dogs, public nuisance dogs, or any other violation of this Chapter not covered by (a) shall be an infraction. The City Council shall establish, by Resolution, a fee schedule for infractions. *[Sets level of violation (“infraction”) and allows City to set fee schedule for violations by Resolution. Adapted from County Ordinance.]*

Chapter 6.05  
NUISANCE ANIMALS

6.06.010 Animals declared to be a nuisance. (Ord. 94-1 §2)

6.06.020 Enforcement. (Ord. 94-1 §2)  
*[Codifies an ordinance passed in 1994 but never incorporated into the Municipal Code.]*

Chapter 6.08  
DOG PROHIBITIONS

6.08.010 Dog Prohibitions on Wagner Street Trail. (Ord. 99-2 §1)  
*[Codifies an ordinance passed in 1999 but never incorporated into the Municipal Code.]*

Title 12  
STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapter 12.12

TRINIDAD HEAD

Section 12.12.040, “Restricted activities,” is amended as follows:

Item B (“No dogs”) is deleted and item G (now F) is revised, with the rest of the text remaining the same. The items will be listed as follows:

Activities not allowed on Trinidad Head are:

- A. No private vehicles of any type, except those authorized by Section 12.12.030;
- B. No horses;
- C. No fireworks of any type;
- D. No rock climbing;
- E. No fires of any type;
- F. No cutting or digging of any plants, brush or wild flowers on Trinidad Head except by the City Public Works department and any other individuals or groups authorized by the City Council. *[Would allow leashed dogs on Trinidad Head, something that the present ordinance prohibits; Allows for authorized trail maintenance.]*

*(end of animal ordinances)*

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*DRAFT                      DRAFT                      DRAFT                      DRAFT                      DRAFT                      DRAFT*

*ANIMAL ORDINANCE*  
*Proposed Fee Structure - to be established by Council Resolution*

1. *Original license (6.04.150)*

*Current license fee: \$5 if neutered, \$10 if not*

*Proposed license fee: \$10 if neutered, \$30 if not*

*Senior Citizen (60+): \$5 if neutered, \$10 if not*

2. *Replacement license tag (6.04.250)*

*Current replacement license tag fee: same as regular fee*

*Proposed replacement fee: \$10 if neutered, \$30 if not*

3. *Impoundment Release paid by owner to City (6.040.360)*

*Current fees: none exist*

*Proposed fees:*

*First impoundment: \$20*

*Subsequent impoundments of same animal within 12 months:*

*Second impoundment: \$50*

*Third impoundment: \$150*

4. *Infractions of the ordinance (6.04.600)*

*Current fees: none exist*

*Proposed fees for infractions of the following: Failing to pick up dog waste, allowing dog to be loose in the Tsurai Study Area, unleashed dog not under the "care and command" of the person in charge of the dog (assumes unleashed dogs allowed on beaches):*

*First offense: \$25*

*Second offense of same infraction within a one year period from the first offense: \$50*

*Third offense of same infraction within one a year period from the first offense: \$100*

***RESOLUTIONS NEEDED TO IMPLEMENT REVISED ANIMAL ORDINANCES***

1. *Areas where dogs are not allowed at all and areas, if any, where dogs are allowed off leash.*

2. *Fee schedule for licenses, impoundments, and infractions. (See above) Depending on City Attorney's advice, separate Resolutions may be needed for each category above.*

***OTHER AGREEMENTS/CONTRACTS/MOU'S WHICH MAY BE NECESSARY***

1. *With County to establish payment w/receipt first at City before animals may be released from the County Shelter.*

2. *Agreement with Sheriff's Office (or other agency) to provide a hearing officer for appeals.*

*(end of Fee Structure/Resolutons, etc.)*